

**PROFESSIONAL ENGINEERS SECTION MEETING
EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS,
PROFESSIONAL ENGINEERS, DESIGNERS AND LAND SURVEYORS
MAY 3, 2002
MINUTES**

PRESENT: Lynda Farrar, Martin Hanson, and Dale Paczkowski

EXCUSED: Nancy Sobczak

STAFF PRESENT: Mary Forseth, Wayne Austin, Grace Schwingel, Angi Jerney, and Darwin Tichenor

CALL TO ORDER

Lynda Farrar called the meeting to order at 9:05 a.m. A quorum of three members was present.

ADOPTION OF AGENDA

Additions to agenda: James Fitzpatrick, under Closed Session. Under "Such Other Items as Authorized by Law" add: 01 ENG 008 - Bruce Manning

MOTION: Dale Paczkowski moved, seconded by Marty Hanson, to adopt the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES (3/1/2002)

On page 3 of minutes under NCEES – strike the last sentence.

MOTION: Dale Paczkowski moved, seconded by Marty Hanson, to approve the minutes of 3/1/2002, as amended. Motion carried unanimously.

ADMINISTRATIVE REPORT

Section Roster

The Section discussed e-mail addresses and concluded that no changes were needed to the roster.

2002 Meeting Dates

The Section made the following corrections, relating to screening dates: Change June 12 to June 11; change August 7 to August 8; change October 2 to October 3; change December 11 to December 12. Any date, except Wednesday, is acceptable to Lynda Farrar.

To-Do List

The Section noted that all items were completed, as reported by Mary Forseth.

Regulatory Digest Draft

Note that Dale Paczkowski and Martin Hanson have joined the Section. The Section noted that the next issue of the Regulatory Digest was reviewed at the Joint Board meeting.

Katharine Hildebrand

Katharine Hildebrand appeared at the meeting to discuss changes in the appearance of the Regulatory Digest. She also discussed the Board Member Workshop, scheduled for June 25, 2002, at the Crowne Plaza. She said that a reception at the Governor's Mansion will follow the conference.

Summary Reports on Pending Court Cases, Disciplinary Cases, Administrative Rules and Press Releases

Noted

LEGISLATIVE UPDATE

Eliminate Review Option for Exams

Mary said that Wisconsin is one of three states that permits a review of the exam. A statutory change would be needed to change Wisconsin's policy. She referred the Section to a Request for Legislation that she had prepared. The Section confirmed that allowing a review of the exam jeopardizes the availability of reciprocal licensing to a Wisconsin licensee who wishes to receive a license in another state. This is due to the fact that a review of the exam could result in changing the scoring of some questions by Wisconsin, but not, necessarily, by another state. The Section also discussed the fiscal effect of the proposed change, based on the staff time required to supervise the review. Mary Forseth will seek more information from the Exam Office about the costs of conducting a review. The Section requested that this item be placed on the agenda for the next meeting in July.

The Section suggested that Mary should attach to the request a copy of the NCEES minutes from the meeting when this issue was voted on. The Section suggested that Mary Forseth should call NCEES and ask under what conditions they will review a question.

Continuing Education

Lynda Farrar reviewed some history on the issue of continuing education and some of the pros and cons surrounding the issue of continuing education. She specifically discussed the task of reviewing applications for approval of courses that would satisfy the requirement.

Mary Forseth agreed to seek more information about how other states verify compliance with continuing education requirements.

The Section reviewed a draft of a Request for Legislation, prepared by Mary Forseth. The proposal would provide statutory authority for a continuing education requirement and would authorize the creation of administrative rules.

Mary Forseth agreed to seek information from NCEES or to survey other states. She will ask questions, such as:

- 1) Does your state require continuing education requirements – how many credits or how many hours?
- 2) What is the timeframe of the requirement?
- 3) Does your state pre-approve courses?
- 4) Does your state conduct post-audits for compliance?
- 4) What action does your state take against persons who are not in compliance?
- 5) What criteria does your state have for approval of courses?
- 6) What proof do you require to show compliance?

The Section requested that this item be placed on the next agenda. Mary Forseth will report the results of the survey.

Experience-Only Option for Licensure

The Section noted the draft Request for Legislation, prepared by Mary Forseth, and a 1999 bill draft and 1997 Assembly Bill 655. The Section discussed NCEES's position regarding Wisconsin's current law and it discussed the intent of this proposal. The Section concurred with Mary Forseth's recommendation that the proposal pertain just to engineers, not to any of the other design professions. The Section expressed concern regarding reducing the years of experience and it suggested several other modifications. The Section focused on Section 443.04 (1) (c). Mark Paczkowski suggested that the Section prepare a flow chart of the requirements for licensure. The Section agreed to review the draft at the next meeting.

ADMINISTRATIVE RULES UPDATE

Proposal for Ethics Examination

Mary Forseth referred to a document, entitled "Professional Ethics Workshop."
Lynda Farrar explained the process for developing and approving questions for exams.

The Section noted Mary Forseth's Scope Statement Draft, relating to an administrative rule regarding this additional area of testing. Mary Forseth said AE 4.08 doesn't adequately provide for an ethics exam. The Board discussed the provision of continuing education courses on ethics.

MOTION: Dale Paczkowski moved, seconded by Martin Hanson, to request Mary Forseth to proceed with the promulgation of a rule that would allow the Section to provide a test relating to the legal standards in the Wisconsin Statutes and the Administrative Code, relating to the practice of

professional engineers. Motion carried unanimous.

REGISTRATION ISSUES

No action taken.

PRACTICE ISSUES

No discussion

EXAMINATION ISSUES

Data Regarding Out-of-State Candidates

Mary Forseth provided statistics regarding the number of out-of-state exam candidates taking the engineering exam in Wisconsin.

Mary Forseth explained the situation that occurred when a candidate left the exam site with his exam materials. The Section requested that another update be provided at the next meeting.

Darwin Tichenor said that s. A-E 4.08 (8), Wis. Admin. Code, provides for appropriate action against a person who cheats on the exam. The Section decided to pursue a rule change, if necessary.

MOTION: Dale Paczkowski moved, seconded by Martin Hanson, to go into Closed Session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or discipline (s. 19.85(1)(b), Stats.); to consider individual histories or disciplinary data (s. 19.85(1)(f), Stats.); and, to confer with legal counsel (s. 19.85(1)(g), Stats.). Motion carried unanimously with a roll call vote: Dale Paczkowski – yes; Lynda Farrar – yes; Martin Hanson – yes.

The Section deliberated on case closings, conducted a Class 1 hearing, deliberated on reinstatement requests, discussed application reviews and reviewed challenges from the 4/1 Examinations.

RECONVENE TO OPEN SESSION

MOTION: Dale Paczkowski moved, seconded by Martin Hanson, to reconvene in Open Session at 2:10 p.m. Motion carried unanimously.

NCEES

Central Zone Meeting Report, Mary Forseth

Mary Forseth reported on the ethics issue and reviewed a document, entitled “Engineering Licensure Qualifications Task Force National Council of Examiners for Engineering and Surveying.”

MISCELLANEOUS CORRESPONDENCE/INFORMATION

Enforcement Questionnaire From Kentucky

The Section noted Wisconsin’s responses to the questionnaire and briefly discussed the document with staff.

NEW BUSINESS

Wisconsin Society of Professional Engineers, Communication with Joe Dresser

Joe Dresser would like to attend the July meeting of the Section and to be on the agenda to discuss several issues with the Section. The Section suggested that Mary Forseth should ask Mr. Dresser to submit a list of issues he would like to discuss. The Section also suggested that there ought to be a Guest Section on future agendas. Mary Forseth will invite Mr. Dresser. The Section said that it may want to meet in September somewhere on the UW campus, to give students access. This would be an Open House. Mary Forseth should write a letter to the Dean.

PRESENTATION OF PROPOSED STIPULATIONS BY DIVISION OF ENFORCEMENT

None

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION, IF VOTING IS APPROPRIATE

Monitoring Report

None

Case Closings and Case Status Report

MOTION: Dale Paczkowski moved, seconded by Martin Hanson, to close 00 ENG 002, Edward Jelinek, for insufficient evidence. Motion carried unanimously.

MOTION: Martin Hanson moved, seconded by Dale Paczkowski, to direct DOE staff to proceed with a stipulation, as drafted, regarding 01 ENG 008, Bruce Manning. Motion carried unanimously.

Update of Ongoing Investigations

Angi Jerney gave an update.

Class 1 Hearing – 12:30 p.m.

Julie K. McMullin (Milwaukee, WI)

MOTION: Martin Hanson moved, seconded by Dale Paczkowski, to deny the appeal of Julie K. McMullin. Motion carried unanimously.

Reinstatement Requests

Erik Minge (Minneapolis MN)

MOTION: Dale Paczkowski moved, seconded by Martin Hanson, to reinstate the license of Erik Minge. Motion passed. Lynda Farrar voted no.

Mark Hallan (Pequot Lakes, MN)

MOTION: Dale Paczkowski moved, seconded by Martin Hanson, to reinstate the license of Mark Hallan. Motion passed. Lynda Farrar voted no.

James Fitzpatrick

MOTION: Dale Paczkowski moved, seconded by Martin Hanson, to reinstate the license of James Fitzpatrick. Motion passed. Lynda Farrar voted no.

Application Review

Section members agreed that they need some guidelines or some kind of internal board rule as to how the board will handle the review of applications. There is a disadvantage to trying to review applications by telephone outside of a Section meetings. Wayne Austin pointed out that administrative tasks may be delegated to staff.

The Section prefers not to take action independently.

The Section noted the following staff actions on applications.

APPLICATIONS REVIEWED ON May 3, 2002

The Section took the following action on applications.

FOR REGISTRATION AS A PROFESSIONAL ENGINEER

1. By 16 Hour Written Examination
 - a. Granted

Bednarczyk, Adam
Brecka, Gary
Miller, William
Phan, Michael

Windorski, Daniel

b. Deny

2. By 8 Hour Written Examination

a. Granted

Bishop, Douglas
Franchuk, Darrell
Lanham, Randy
Lee, Songbo
Mardula, Steven
Mayfield, Shawn
McWilliams, John
Swain, Robert

b. Deny

Gritton, Michael

3. By approved Degree Plus 8 Years Experience

a. Granted

Amer, Mazen
Badani, Hussein
Baures, William
Bekele, Solomon
Boyd, Nathan
Garrigan, Kevin
Goodney, Christopher
Jushka, Michael
Kamps, Mark
King, Randall
Landre, Thomas
Ly, Nguyen
Molter, Peter
Nygaard, Paul
Rivera Dominguez, Francisco
Runde, Patrick
Santkuyl, Paul
Schwab, Peter

Sellnow, Glenn
Smith, Alexander
Somers, Jayne
Steckbauer, Douglas
Wingra, Andrew

- b. Deny

Stricker, Richard

FOR PRINCIPLES AND PRACTICE OF ENGINEERING EXAMINATION

- a. Granted

Bosacki, William
Bredikhin, Alexandre
Gundry, Matthew
Lenzendorf, Jeremy

- b. Deny

Hall, James

Examination Issues

Review of Challenges from 4/1 Examinations, Darwin Tichenor

MOTION: Dale Paczkowski moved, seconded by Martin Hanson, to allow Darwin Tichenor to find experts, to obtain their suggestions regarding exam questions, and to bring these suggestions back to the Section for approval. Motion carried unanimously.

SUCH OTHER ITEMS AS AUTHORIZED BY LAW

The Section suggested that the Work Experience Forms should be revised, so the Section members do not have to refigure the time frame (years and months for each engagement) of allowable experience. The directions on the form should be revised and applicants should give the title of the position they held. Staff should modify the form and then state the number of years/months for each engagement, and the total amount of experience.

The Section requested that Mary Forseth should ask Wayne Austin who breaks a tie, if there is a tie vote.

ADJOURNMENT

MOTION: Martin Hanson moved, seconded by Dale Paczkowski, to adjourn the meeting at 2:45 p.m. Motion carried unanimously.

The next meeting is scheduled for Friday, July 12, 2002.